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Attorneys for Defendants
MASIMO CORPORATION and
MASIMO AMERICAS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

PHYSICIANS HEALTHSOURCE,
INC.,

Plaintiff,

v.

MASIMO CORPORATION, et al.

Defendants.

Case No. 8:14-cv-00001 JVS (ADSx)

Hon. Judge James V. Selna

**SUPPLEMENTAL
DECLARATION OF
RON LOKAISINGH**

1 I, Ron Lokaisingh, hereby declare:

2 1. I have been the CEO of Odyssey Services, Inc. ("Odyssey") since
3 2017. I have no knowledge of Odyssey's custom and practice with respect to
4 retaining documents before 2017. Nor do I know what documents Odyssey
5 may or may not have retained as of January 2014, or at any time before 2017.

6 2. At the request of Plaintiff's attorney, Ross Good, I previously
7 signed a declaration, dated February 22, 2019, regarding Odyssey's document
8 retention policies.

9 3. In my earlier declaration, I stated: "Prior to September 21, 2018,
10 Odyssey's custom and practice was to retain all transmission logs, fax images,
11 and billing records."

12 4. I did not intend my statement to suggest that Odyssey's practice
13 was to retain such documents indefinitely, or that I knew what Odyssey's
14 practice was before 2017. During my tenure, Odyssey's practice has been to
15 retain such documents for one year, and then to purge such documents from
16 our records for data security purposes. I do not know if Odyssey had a
17 different policy in place before 2017.

18 5. In my earlier declaration, I also stated: "Prior to September 21,
19 2018, Odyssey would have been able to provide responsive documents to
20 Plaintiff's subpoena."

21 6. In making that statement, I meant that, prior to September 21,
22 2018, Odyssey would have been able to search its records. After the
23 ransomware attack on September 22, 2018, which I described in my earlier
24 declaration, Odyssey no longer had any records to search.

25 7. I did not intend my statement to suggest that, prior to September
26 21, 2018, Odyssey had, or was likely to have had, documents responsive to
27 Plaintiff's subpoena.

28

1 8. I have no reason to believe that, as of September 21, 2018,
2 Odyssey had transmission logs, fax images, or billing records from 2011 or
3 2012. As of 2017, retaining such documents would have been contrary to
4 Odyssey's one-year document retention policy described above.

5 9. In discussing my first declaration with Mr. Good, I made it clear
6 to him that it is unlikely Odyssey would have had any documents responsive to
7 Plaintiff's subpoena as of September 21, 2018, because of the document
8 retention policies Odyssey had in place since I joined the company in 2017.

9
10 I declare under penalty of perjury under the laws of the United States that
11 the foregoing is true and correct.

12 Executed on March 8, 2019, at Toronto, Canada.

13 

14 Ron Lokaisingh

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